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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,282	09/29/2003	Brad W. Lorton	99481P-000027	3104

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EXAMINER

LEE, DOUGLAS S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,282

Applicant(s)

LORTON ET AL.

Examiner

Douglas S. Lee

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-51 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :5/17/04,6/17/05,5/29/06,6/21/06.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Cuerton et al. (US pat. # 6,901,369).

Regarding claim 1, Cuerton et al. disclose a distributed control system for controlling the environments within a plurality of poultry houses comprising: an integrator processor positioned a distance from the farm house (see fig. 1, element 9); and a monitor box positioned in the farm house to monitor a selected criteria at the farm house (see fig. 1, element 18); wherein said integrator processor receives data from said monitor box regarding said selected criteria of the farm house; wherein said integrator processor determines a substantially real time optimal condition for the farm house; wherein said integrator processor produces a signal based upon a comparison of the received data from said monitor box and the substantially real time optimal condition for the farm house (see col. 12, lines 8-55).

Regarding claim 2, Cuerton et al. further disclose a controller to affect the selected criteria; wherein said integrator processor communicates said substantially real time optimal condition to said controller (see fig. 1, element 18). Regarding claim 3, Cuerton et al. disclose said signal based on a comparison of the received to data from said monitor box and a substantially real time operable condition for the farm house includes an instruction to said controller to change a condition of the farm house to obtain the selected criteria at the farm house (see col. 12, lines 5-55).

Regarding claim 4, Cuerton et al. disclose said integrator processor is substantially controlled by a user substantially unassociated with directly controlling the farm house (see fig. 1, element 9, col. 12, lines 5-55.).

Regarding claim 5, Cuerton et al. disclose said selected criteria includes at least one of a temperature, a humidity, a feeding, a watering, a livestock weight, an air quality, an animal waste, a lighting, a feed inventory, a feed flow rate, and combinations thereof (see col. 12, lines 5-55).

Regarding claim 6, Cuerton et al. disclose a controller operable to control at least one of a ventilation system, a thermostat, a thermometer, an evaporative cooler, a feeder bin, a filler system, a brooder, a feeder, a breeder house, a fan, a fan shutter, a waterer, a light, a waste outlet, and combinations thereof to achieve the substantially real time optimal condition; wherein said integrator processor is operable to instruct said controller to control at least one of said a temperature, a humidity, a feeding, a watering, a livestock weight, an air quality, an animal

waste, a lighting, a feed inventory, a feed flow rate, and combinations thereof to achieve the substantially real time operable condition (see col. 12, lines 5-55).

Regarding claims 7 and 8, it is understood and well known in the art of communication that modem connection, a direct hard line connection, or wireless connection are used on a substantially secure data link. Thus the examiner assume that Cuerton et al. disclose said integrator processor receives data from said monitor box on a substantially secure data link (see col. 15 and col. 23, lines 1-35).

Regarding claim 9, Cuerton et al. further disclose a farm house computer able to control the selected criteria at the farm house; wherein said integrator processor communicates over a selected data link with said farm house computer to control the selected criteria from the integrator processor (see col. 12, lines 5-55).

Regarding claim 10, Cuerton et al. disclose a monitor box includes a plurality of monitor boxes each positioned at a different farm house to monitor a selected criteria at each of the plurality of farm houses (see fig. 1, col. 12, lines 7-55).

Regarding claim 11, Cuerton et al. disclose said integrator processor compares the selected criteria monitored by each of the plurality of the monitor boxes relative to a result criteria to determine an optimal control criteria to achieve a selected result criteria (see fig. 1, col. 12, lines 7-55).

Regarding claim 12, Cuerton et al. disclose wherein at least a sub-plurality of the plurality of monitor boxes to positions at the farm houses are at different farms (see cols. 12-13).

Regarding claims 13 and 14, Cuerton et al. further disclose a controller to control the farm house regarding said selected criteria (see fig. 1 element 9); wherein said monitor box and said controller are substantially a single unit wherein the monitor box is able to monitor the selected criteria and the controller is able to control the selected criteria based on the information monitored by the monitor box (see cols. 12-13).

Regarding claims 15-23, these method claims are rejected for the same reasons applied above rejected system claims 1-14.

Regarding claims 24-28, Cuerton et al. disclose a method of producing a selected outcome from a farm house comprising the steps of selecting a first farm house at a first position; monitoring a first control parameter within the selected first farm house; monitoring a first result parameter of a first product produced in the first selected farm house; selecting a second farm house at a second position; monitoring a second control parameter within the selected second farm house; monitoring a second result parameter of a second product produced in the second selected farm house; and a processor comparing at least two of the monitored first control parameter within the selected first result farm house, the monitored first result parameter of the first product produced in the first selected farm house, the monitored second control parameter within the selected second farm house, and the monitored second result parameter of the second product produced in the second selected farm house (see cols. 27 and 28).

Regarding claim 29, Cuerton et al. disclose a method of forming a Internet based webpage operable to display at least one of the monitored first control parameter, the monitored first result parameter, the monitored second control parameter, and the monitored second results parameter; accessing the webpage to obtain an instruction (see col. 14, lines 20-45).

Regarding claims 30-45, these method claims are rejected for the same reasons applied above rejected system claims 1-29.

Regarding new claims 46-48, these method claims are rejected for the same reasons applied above rejected system claims 1-29.

Regarding new claims 49-51, these method claims are rejected for the same reasons applied above rejected system claims 1-29.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Leo Picard*, can be reached on (571) 272-3749 or via e-mail addressed to *[leo.picard@uspto.gov]*. The fax number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to *[doug.lee@uspto.gov]*.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Douglas Lee
10/24/2006



LEO PICARD
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